

Direction on Special Benefit Amendment (No 3) 2021

This instrument is made under section 7(1) of the Social Security Act 2018 by the Minister for Social Development and Employment.

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Instrument

1 Title

This instrument is the Direction in relation to the Special Benefit Amendment (No 3) 2021.

2 Commencement

This instrument comes into force on the day after which it is made.

3 Principal programme

This instrument amends the Direction in relation to Special Benefit given on 10 February 1999¹ (the **principal direction**).

4 Clause 2 amended (Definitions)

In clause 2.1, replace the definition of lump sum residential care subsidy refund with;

lump sum residential care subsidy refund means any lump sum payment of all or any of the following, made by MSD on or after the date on which this instrument comes into force, and arising from a retrospective review of any means assessment (for example, any assessments of cash assets, chargeable income, or income) by MSD following the decision in *Chief Executive of the Ministry of Social Development v Broadbent* [2019] NZCA 201:

- (a) a benefit;
- (b) a residential care subsidy refund;
- (c) special assistance paid under a programme established under section 100 or 101 of the Act.

¹ New Zealand Gazette, 16 December 1999, page 4599, notice 9385

In this definition, —

(a) a reference to a benefit, or to special assistance paid under a programme established under section 100 or 101 of the Act, includes a reference to a benefit, or to special assistance paid under a programme established, under the Social Security Act 1964:

(b) a reference to a residential care subsidy under the Residential Care and Disability Support Services Act 2018 includes a reference to a residential care subsidy under the Social Security Act 1964.


Dated at Wellington this

14th

day of

June

2021



Minister for Social Development and Employment

Explanatory note

This note is not part of the instrument, but is intended to indicate its general effect.

This instrument, which comes into force on the day after which it is made, amends the Direction in relation to Special Benefit to amend the definition of lump sum residential care subsidy refund to ensure lump sum payments arising from a retrospective review of a means assessment following *Broadbent* are exempt as income for Special Benefit purposes from the date this instrument comes into force.